



APPELLANTS' NOTICE OF APPEAL

Application No. 10/649,164
Pre-Appeal Brief Dated September 29, 2006
Reply to final Office Action of May 2, 2006
Attorney Docket No. 4316-031612

AF IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/649,164 Confirmation No. : 4762
Applicants : David James Beale et al.
Filed : August 27, 2003
Title : ALUMINUM INGOT CASTING MACHINE
Group Art Unit : 1725
Examiner : Len Tran
Customer No. : 28289

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision dated May 2, 2006 of the Primary Examiner finally rejecting claims 1, 3-5, 8-11, 13-17, 19, 20, 27-30, 35, 37, 39-45, and 66-69.

Payment in the amount of \$500.00 is enclosed herewith to cover the cost of filing the Notice of Appeal. A two-month Petition for Extension of Time with the appropriate extension fee is also submitted concurrently herewith.

10/04/2006 HDEMESS1 00000056 10649164

01 FC:1401

500.00 DP

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 29, 2006

Lisa R. McNany

(Typed Name of Person Mailing Paper)

Lisa R. McNany

09/29/2006

Signature

Date

{W0298823.1}

APPELLANTS' NOTICE OF APPEAL

Application No. 10/649,164

Pre-Appeal Brief Dated September 29, 2006

Reply to final Office Action of May 2, 2006

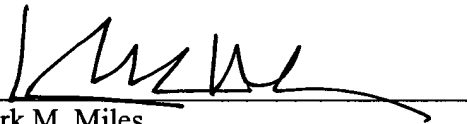
Attorney Docket No. 4316-031612

Applicants also submit a Pre-Appeal Brief Request for Review concurrently with the filing of this Notice of Appeal.

The Commissioner for Patents is hereby authorized to charge any additional fees which may be required to Deposit Account No. 23-0650 or credit any overpayment to Deposit Account No. 23-0650. The original and two copies of this Notice of Appeal are enclosed.

Respectfully submitted,

THE WEBB LAW FIRM

By 

Kirk M. Miles

Registration No. 37,891

Attorney for Applicant

700 Koppers Building

436 Seventh Avenue

Pittsburgh, PA 15219

Telephone: (412) 471-8815

Facsimile: (412) 471-4094

E-mail: webblaw@webblaw.com

OCT 03 2006

PATENT & TRADEMARK OFFICE

PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL
For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 950.00**Complete if Known**

Application Number	10/649,164
Filing Date	August 27, 2003
First Named Inventor	David James Beale
Examiner Name	Len Tran
Art Unit	1725
Attorney Docket No.	4316-031612

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 23-0650 Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Small Entity	Small Entity	Small Entity	Small Entity	Small Entity	Small Entity	
Utility	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	Fee (\$)	
Design	300	150	500	250	200	100	
Plant	200	100	100	50	130	65	
Reissue	200	100	300	150	160	80	
Provisional	300	150	500	250	600	300	
	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Small Entity	Small Entity
Fee (\$)	Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE


If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____				

4. OTHER FEE(S)

	Fees Paid (\$)
Non-English Specification, \$130 fee (no small entity discount)	
Other (e.g., late filing surcharge): Petition for Extension of Time – Two Month	450
Notice of Appeal	500

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	37,891	Telephone	412-471-8815
Name (Print/Type)	Kirk M. Miles	Date	September 29, 2006		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.